

The following list contains the entire submission submitted June 02, 2023 12:20:03pm ET, and is formatted for ease of viewing and printing.

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Request

Request ID	739541
Confirmation ID	738981

Request description

This is a request under the Freedom of Information Act, 5 U.S.C. § 552, as amended (FOIA), from the Protect the Public’s Trust (PPT), a nonpartisan organization dedicated to promoting ethics in government and restoring the public’s trust in government officials. Records Requested 1. From April 4, 2023, through the date this request is processed, records of communications between David Batson and Lisa Garcia in EPA’s Region 2 Office, as well as records of any communications between either Mr. Batson and/or Ms. Garcia and political appointees in the following list of offices: EPA offices a) Office of Public Affairs b) Office of Land and Emergency Management c) Office of Ethics d) Office of Environmental Justice The term “records” includes emails (with attachments) but also refers to other documents and items, such as text messages; invitations, communications, and chats from meeting applications such as Zoom and Microsoft Teams; encrypted apps such as Signal, WhatsApp, Wikr Me, and others; phone records; as well as communications on collaboration platforms such as Slack.

Supporting documentation

Additional Information

Microsoft Word - FOIA - PPT EPA David Batson.docx.pdf

Fees

Request category ID

other

Fee waiver

yes

I. PPT Qualifies for a Fee Waiver. Under FOIA, a party is entitled to a fee waiver when “disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the [Federal] government and is not primarily in the commercial interest of the requester.” 5 U.S.C. § 552(a)(4)(A)(iii). The EPA FOIA regulations at 40 C.F.R. § 2.100-2.406 establish the same standard. 4 Thus, EPA must consider four factors to determine whether a request is in the public interest: (1) whether the subject of the requested records concerns “the operations or activities of the Federal government,” (2) whether the disclosure is “likely to contribute” to an understanding of government operations or activities, (3) whether the disclosure “will contribute to public understanding” of a reasonably broad audience of persons interested in the subject, and (4) whether the disclosure is likely to contribute “significantly” to public understanding of government operations or activities. 40 C.F.R. § 2.100-2.406. As shown below, PPT meets each of these factors.

A. The Subject of This Request Concerns “The Operations and Activities of the Government.” The subject matter of this request concerns the operations and activities of the EPA. This request asks for: records of communications between David Batson and Lisa Garcia in EPA’s Region 2 Office, as well as any political appointees in the list of offices.

B. Disclosure is “Likely to Contribute” to an Understanding of Government Operations or Activities. The requested records are meaningfully informative about government operations or activities and will contribute to an increased understanding of those operations and activities by the public. Disclosure of the requested records will allow PPT to convey to the public information about EPA external communications. After disclosing the requested records, PPT will inform the public about their findings in order to ensure decisions are being made consistent with the law. Once the information is made available, PPT will analyze it and present it to its followers and the general public in a manner that will meaningfully enhance the public’s understanding of this topic. Thus, the requested records are likely to contribute to an understanding of EPA operations and activities.

C. Disclosure of the Requested Records Will Contribute to a Reasonably Broad Audience of Interested Persons’ Understanding of Operations at the EPA. The requested records will contribute to public understanding of operations at EPA. As explained above, the records will contribute to public understanding of this topic. Access to the communications between David Batson and the list of offices/ individuals is of great interest to the public.

Expedited processing

Expedited Processing

no